

Institutional Issues of Pasture Land Destruction in Turkey

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Government pasture which covers about 100% of total pasture in Turkey has been fundamental resource to graze animals for more than one hundred years. Before 1950, almost 50% of the country was covered by government pasture, so that there was abundant size of pasture resource that could satisfy the demand of animal products of those days. However, the size of government pasture has decreased fast since 1950. This decrease was caused by the conversion of government pasture to crop land which could satisfy more demand of cereals with growth of population. It is necessary to convert government pasture to other use in order to meet the population growth. In fact, the large amount of government pasture has been converted under the direction of the government. The problem is the degree of conversion progression. The appropriate conversion that keeps government pasture satisfying the demand of animal products will be acceptable. But, under the current circumstance that the demand of animal products increase rapidly, the excessive conversion of government pasture makes matters worse.

The fast decrease of government pasture is connected with the excessive conversion of it. If the government pasture had been converted under the strict management of government, the pasture could have been converted appropriately. In actual fact, however, vast size of the pasture has been converted by farmers for the use of their private cropland without any permission of the government. This unlawful conversion defined as the intrusion, that is called as

‘pasture attack’, has caused the excessive conversion.

The excessive conversion of pasture is caused by the improper institutional arrangements of land management. Especially the inefficient execution of the land registry law is the main causing factor. First we will state the land registry system in Turkey and then illustrate the problems of the system that has brought about the excessive conversion.

1) Land Registry System in Turkey

All lands in Turkey are currently required to be registered as either private ownership or government ownership based on cadastral survey according to the land registry law (law no. 2644). Private ownership of land is indemnified by the title deed which is called ‘tapu’. Before 1922, that is Ottoman Turkish empire days, land ownership was not clearly defined. Some parts were possessed by sultans, some were traditionally cultivated by peasants, and vast uncultivated land were used freely as common pasture by pastoralists. At the founding time of the state in 1923, huge uncultivated common pasture was taken by government. Thereafter, because of population growth and immigration, there has been strong social need to convert vast uncultivated government pasture to privately cultivated land. Government authorized the farmer who had reclaimed a certain area of cropland from the government pasture by himself and hold on to the area for long enough years such as 20 years to take possession of the area. Both the continuously cultivated land and the newly reclaimed land were obliged to be

registered with 'tapu' according to the current land registry law of Turkey. But, in fact, issuing 'tapu' was very difficult work.

2) Transaction Cost and Inefficient Execution of the Land Registry Law

The cadastral office is in charge of issuing 'tapu' and indemnifying the legal ownership of the land in question to the owner under the control of director of state cadastral bureau. Land with 'tapu' must be demarcated strictly by the 'tapu' officials who actually came to check the ownership. But quite lots of expense are inevitable for the demarcation, because the cadastral officials should come to each plot, get the exact evidences of the ownership to the plot in question, and measure the plot. There are seldom formal written evidences for the plot in question, so that it is often very difficult to prove the ownership of the plot by the person who claims to own the plot.

These expenses for demarcation and registration of land are the transaction costs. The reason of difficulties in issuing 'tapu' is that the transaction costs of establishing private ownership of land are too high. Due to high transaction cost, the current land registry law is not executed efficiently. Only 70% of whole land of Turkey has been registered with 'tapu' until now. The other 30% of land is still unregistered with 'tapu'. A number of farmers who possess land without 'tapu' were interviewed in our field surveys in Adana and Konya during the last few years. The unregistered land is called as customary land. Holders of the customary land have faced such severe problems as difficulties in disposal by sale, in inheritance, and in mortgaging during the past few decades.

3) Pasture Attack and Excessive Conversion of

Government Pasture

The difficulty of lawful demarcation is linked to the facility of unlawful border transgression. It is very difficult for the government to monitor and restrict each unjust farmer who appropriates the government pasture unlawfully, because of the extremely high transaction cost to do so. Therefore, the government pasture has been attacked under the current land registry law as fallows.

Government pasture has been always allowed to be used only for common grazing. But it is said that unjust farmers had started to attack pastures or to intrude government pastures in 1950-60's. That was the time when farmers were able to expand their cultivated land more easily by technological improvement such as switch from animal draft to tractor draft. This unlawful intrusion started to decrease since 1980's, because deterioration of the government pasture became too severe. However, 30-40% of the total government pasture was already unlawfully converted to private crop land in Turkey by then. Many cases of pasture attack found in field survey of Konya and Adana give evidences to high transaction cost for preventing intrusions. Unlawful pasture attack resulted in the excessive conversion and fast decrease of the government pasture.

4) Enactment of the Pasture Law

The excessive conversion of the government pasture based on pasture attack has severely decreased the quantity of grass on it during the past four decades. These problems were caused by inefficient institutional arrangements under the current land registry law system. The government introduced new institutional arrangements in order to restore and conserve the government pasture with the enactment of

pasture law (law no.4342) in February 1998. Under the new arrangements the following objectives were mainly sought. (1)To delineate the border between private cropland and the government pasture. (2)To confiscate the intruded government pasture area.

Those are executed as follows. Extension service workers and cadastral officials are jointly in charge of attaining these objectives. First, the boundary stones are placed on the border between the government pasture and private crop land based on the cadastral map. The farmers who admit the stoned border must voluntarily limit their crop land up to the stoned one. But in many cases farmers object the stoned border and continue to occupy the intruded area. Therefore, second, the heads of villages are obliged to investigate the intrusion according to the stoned border. If he finds it, he must report to the extension workers regarding location of the doubtful area. Third, a survey map of the doubtful area is drawn by an actual survey. Fourth, in the case where the fact of intrusion is proved, the intruders are warned by the government. Unless he will return the intruded area to the government in 4years from the warning, he is supposed to be sentenced 2-3 months' imprisonment. But still only 10% of the illegal intruded area of the government pasture has been returned to the government.